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Federal Communications Commission
Office of Secretary

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January 22, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554


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Re: Response to Ex Parte Comments
MM Docket No. 87-268

Dear Ms. Salas:

Enclosed for filing on behalf of Granite Broadcasting Corporation are an original and four (4) copies of a response to the ex parte comments filed in the above-referenced rulemaking proceeding by the Association of Local Television Stations, Inc. ("ALTV"). Please direct any questions concerning this matter to the undersigned.

Very truly yours,


Tom W. Davidson, Esq.

Enclosures

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JAN 22 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
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Advanced Television Systems)
and Their Impact Upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)

To: The Commission

**SUPPLEMENTAL COMMENTS IN SUPPORT OF THE EX PARTE COMMENTS OF
THE ASSOCIATION OF LOCAL TELEVISION STATIONS**

I. INTRODUCTION

Granite Broadcasting Corporation and its wholly owned broadcasting subsidiaries ("Granite"),¹ by their attorneys, hereby submit this response to the ex parte comments filed by the Association of Local Television Stations ("ALTV"), on November 25, 1997, in the above-referenced rulemaking proceeding.² ALTV's comments expressed concern about the inadequate power levels adopted for digital television ("DTV") stations authorized to operate on UHF channels. ALTV proposes to permit all DTV stations to increase their power to 1000 kW, provided that tilt-beam antennas and/or other technologies are employed

¹ Since its founding in 1988, Granite Broadcasting Corporation has become the largest minority-controlled television group owner in the U.S. Directly and through subsidiaries, it owns and operates the following ten television stations: KNTV(TV), San Jose, California; WTVH-TV, Syracuse, New York; KSEE(TV), Fresno, California; WPTA(TV), Fort Wayne, Indiana; WEEK-TV, Peoria, Illinois; KBJR-TV, Duluth, Minnesota; KEYE, Austin, Texas; WWMT, Kalamazoo, Michigan; WKBW, Buffalo, New York, and WDWB(TV), Detroit, Michigan.

² The deadline for filing comments on ALTV's ex parte comments was December 17, 1997. Granite submitted comments on this date. However, a recent engineering analysis by Granite reveals that the FCC's current DTV rules and Table of Allotments will not enable several of Granite's television stations to fully replicate their existing service areas. Accordingly, leave is requested to file these supplemental comments.

to prevent incremental visible interference. Granite supports ALTV's comments and urges the Commission to adopt the proposed power increase.

II. DISCUSSION

As ALTV has noted, the maximum power level adopted by the FCC for UHF DTV stations is not adequate to enable such stations to replicate their protected service areas.³ As a result, UHF DTV stations will not be able to realize the FCC's service replication objectives unless the Commission increases the maximum permitted power level for such stations.

Moreover, licensees who receive DTV assignments on UHF channels in markets where UHF NTSC stations receive VHF DTV allotments will be competitively disadvantaged. One example of the inequitable results of this power disparity can be found in the Fresno, California market. Station KSEE(TV), a Granite owned station in Fresno, currently operates on NTSC channel 24 and has been authorized by the FCC to operate on DTV channel 16. All of the television stations in Fresno are currently operating on NTSC UHF channels.⁴ However, three of the five Fresno stations have received DTV assignments on UHF channels. The remaining two stations have received DTV assignments on VHF channels. The difference in the adequacy of the power levels authorized for UHF and VHF channels will create a very significant imbalance in the Fresno DTV market. Specifically, the two VHF stations will have the signal strength generally necessary to replicate their existing coverage area while the three UHF stations may not have this technical capability

³ See general discussion in ALTV's comments at 1.

⁴ Sixth Report and Order, MM Docket No. 87-268, FCC 97-115 at B-10 (adopted April 3, 1997, released April 21, 1997)(Sixth Report & Order).

given the maximum DTV power levels authorized for UHF stations by the FCC. This power disparity will place Station KSEE(TV) at a clear competitive disadvantage to the two VHF DTV stations in the market.

A similar situation exists for another Granite owned facility, Station WPTA(TV), in Fort Wayne, Indiana. The five television stations licensed to Fort Wayne are currently operating on NTSC UHF channels. The FCC presently has decided to assign UHF channels to four of these stations, including Station WPTA(TV).⁵ One station, however, has received a DTV assignment on a VHF channel. As a result, the one VHF DTV station in the market is will be better able to replicate its coverage area than the other four stations due to the inadequate power requirements specified for UHF stations in the FCC's DTV rules. If the Commission expects a successful roll out of digital television, it cannot permit such competitive disadvantages to exist within markets. It must level the playing field so that television stations are allowed to establish DTV operations and begin competition upon equal footing.

III. CONCLUSION

Granite urges the Commission to ensure that every station is permitted to emit a DTV signal which is at least strong enough to replicate its existing coverage area. The Commission's DTV rules and DTV Table of Allotments enables only some stations to achieve this result. ALTV's proposed power increase would help to correct this disparity.

⁵ Id. at B-19.

Furthermore, as ALTV has noted, tilt beam antennas and other technologies can be used to ensure that the proposed power increases do not result in field strengths at the outer edge of the protected contour which exceed the original authorized levels. Accordingly, Granite urges the Commission to adopt the remedies outlined in ALTV's ex parte comments.

Respectfully submitted,

GRANITE BROADCASTING
CORPORATION

By: *Tom W. Davidson, Esq.*

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Date: January 22, 1998

CERTIFICATE OF SERVICE

I, Annamarie Valenti, an employee of Akin, Gump, Strauss, Hauer & Feld, L.L.P., certify that a copy of the foregoing response by Granite Broadcasting Corporation to the ex parte comments submitted by the Association of Local Television Stations, Inc. in MM Docket No. 87-268 was sent via First-Class U.S. mail, postage prepaid, on this 22nd day of January, 1998 to the following parties:

James B. Hedlund
President
Association of Local Television Stations
1320 19th Street, N.W., Suite 300
Washington, D.C. 20036



Annamarie Valenti